

EXHIBIT 1



Entered on Docket
May 13, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ELIZABETH MAY REAL
ESTATE LOAN**

Hearing Date: May 8, 2008
Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's First Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Elizabeth May Real Estate
3 Loan (the "Objection") [DE 6099]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on May 8, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Elizabeth May Real Estate Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

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13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of approval under LR 9021.
- 4 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 5 in the case.
- 6 ☒ No opposition was filed to the motion and no other party or counsel appeared at
- 7 the hearing.
- 8 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 9 parties who have appeared at the hearing, and any trustee appointed in the case,
- 10 and each has approved or disapproved the order, or failed to respond, as
- 11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ RC (#0006593)

14 Susan M. Freeman

15 Rob Charles

16 John Hinderaker

17 *Attorneys for USACM Liquidating Trust*

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**ELIZABETH MAY LOAN
FIRST OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the Elizabeth May Loan
10725-00527	Allergy Consultants Medical Group Inc.	c/o Dionisio Fernandes Trustee, 401 K Profit Sharing 4001 Oak Manor Court Hayward, CA 94542-1445	\$58,071.84	\$58,071.84
10725-02131	Suzanne Arbogast and Gregory R. Thompson Jt Ten	1005 West Buffington Street Upland, CA 91784	\$50,706.85	\$50,706.85
10725-00129	Donald M. and Janice I. Berman Trust	Donald M. and Janice I. Berman Trust Trustees 3775 Clover Way Reno, NV 89509	\$100,000.00	\$100,000.00
10725-01987	Daniel Carlton	4697 Hooktree Road Twentynine Palms, CA 92277	\$55,000.00	\$55,000.00
10728-00045	Daniel O. and Takeko Carlton Revoc Trust Dtd 4/30/97	c/o Daniel and Takeko Carlton Trustee 4697 Hooktree Road Twentynine Palms, CA 92277-6723	\$55,000.00	\$55,000.00
10725-01127	Wayne Dotson CO	Peter Bogart CEO 3 Hidden Lake Court Bluffton, SC 29910	\$56,000.00	\$56,000.00
10725-00140	Edward and Marge Fraser	Edward and Marge Fraser Trustees 14220 Sorrel Lane Reno, NV 89511	\$50,000.00	\$50,000.00
10725-01097	David Goetsch	1616 Jones Street Minden, NV 89423	\$50,000.00	\$50,000.00
10725-00450	Marilyn Goldstein	37 Linwood Road South Port Washington, NY 11050	\$50,542.70	\$50,542.70
10725-02194	Nancy Guyer and Todd Barrett	455 Enterprise Court Boulder City, NV 89005-1508	\$54,000.00	\$54,000.00